



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2012 REGULAR SESSION

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SENATE BILL NO. 157

AS ENACTED

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FRIDAY, MARCH 30, 2012

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ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
Mary Sue Helm

1 AN ACT relating to administrative regulations.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 13A.010 is amended to read as follows:

4 As used in this chapter, unless the context otherwise requires:

5 (1) "Administrative body" means each state board, bureau, cabinet, commission,  
6 department, authority, officer, or other entity, except the General Assembly and the  
7 Court of Justice, authorized by law to promulgate administrative regulations;

8 (2) "Administrative regulation" means each statement of general applicability  
9 promulgated by an administrative body that implements, interprets, or prescribes  
10 law or policy, or describes the organization, procedure, or practice requirements of  
11 any administrative body. The term includes an existing administrative regulation, a  
12 new administrative regulation, an emergency administrative regulation, an  
13 administrative regulation in contemplation of a statute, the amendment or repeal of  
14 an existing administrative regulation, but does not include:

15 (a) Statements concerning only the internal management of an administrative  
16 body and not affecting private rights or procedures available to the public;

17 (b) Declaratory rulings;

18 (c) Intradepartmental memoranda not in conflict with KRS 13A.130;

19 (d) Statements relating to acquisition of property for highway purposes and  
20 statements relating to the construction or maintenance of highways; or

21 (e) Rules, regulations, and policies of the governing boards of institutions that  
22 make up the postsecondary education system defined in KRS 164.001  
23 pertaining to students attending or applicants to the institutions, to faculty and  
24 staff of the respective institutions, or to the control and maintenance of land  
25 and buildings occupied by the respective institutions;

26 (3) "Adopted" means that an administrative regulation has become effective in  
27 accordance with the provisions of this chapter;

1 (4) "Authorizing signature" means the signature of the head of the administrative body  
2 authorized by statute to promulgate administrative regulations;

3 (5) "Commission" means the Legislative Research Commission;

4 (6)~~["Economic impact" means a financial impact on:~~

5 (a)~~Commercial enterprises;~~

6 (b)~~Retail businesses;~~

7 (c)~~Service businesses;~~

8 (d)~~Small businesses;~~

9 (e)~~Industry;~~

10 (f)~~Government;~~

11 (g)~~Consumers of a product or service; or~~

12 (h)~~Taxpayers;~~

13 (7)} "Effective" means that an administrative regulation has completed the legislative  
14 subcommittee review established by KRS 13A.290, 13A.330, and 13A.331;

15 (7)~~(8)}~~ "Federal mandate" means any federal constitutional, legislative or executive  
16 law or order which requires or permits any administrative body to engage in  
17 regulatory activities which impose compliance standards, reporting requirements,  
18 recordkeeping, or similar responsibilities upon entities in the Commonwealth;

19 (8)~~(9)}~~ "Federal mandate comparison" means a written statement containing the  
20 information required by KRS 13A.245;

21 (9)~~(10)}~~ "Filed" or "promulgated" means that an administrative regulation, or other  
22 document required to be filed by this chapter, has been submitted to the  
23 Commission in accordance with this chapter;

24 (10)~~(11)}~~ "Government" means and includes a city, county, urban-county, charter  
25 county, consolidated local government, special district, or a quasi-governmental  
26 body authorized by the Kentucky Revised Statutes or a local ordinance;

27 (11)~~(12)}~~ "Proposed administrative regulation" means an administrative regulation that;

1 (a) Has been filed by an administrative body; and

2 (b) Has not become effective or been withdrawn~~[proposes to promulgate];~~

3 ~~(12)~~~~[(13)]~~ "Regulatory impact analysis" means a written statement containing the  
4 provisions required by KRS 13A.240;

5 ~~(13)~~~~[(14)]~~ "Small business" means a business entity, including its affiliates, that:

6 (a) Is independently owned and operated; and

7 (b) 1. Employs fewer than one hundred fifty (150) full-time employees or their  
8 equivalent; or

9 2. Has gross annual sales of less than six million dollars (\$6,000,000).

10 ~~(14)~~~~[(15)]~~ "Statement of consideration" means the document required by Section 12 of  
11 this Act in which the~~[that an]~~ administrative body summarizes the comments  
12 received, its responses to those comments, and the action taken, if any, as a result  
13 of those comments and responses~~[must either accept suggestions or~~  
14 ~~recommendations regarding an administrative regulation or issue a concise~~  
15 ~~statement setting forth the reasons for not accepting suggestions or~~  
16 ~~recommendations regarding an administrative regulation];~~

17 ~~(15)~~~~[(16)]~~ "Subcommittee" means the Administrative Regulation Review Subcommittee,  
18 any other subcommittee of the Legislative Research Commission, an interim joint  
19 committee, or a House and Senate standing committee; and

20 ~~(16)~~~~[(17)]~~ "Tiering" means the tailoring of regulatory requirements to fit the particular  
21 circumstances surrounding regulated entities.

22 ➔Section 2. KRS 13A.040 is amended to read as follows:

23 The director of the Legislative Research Commission shall appoint an administrative  
24 regulations compiler who shall:

25 (1) Receive administrative regulations, and other documents required to be filed by the  
26 provisions of this chapter, tendered for filing;

27 (2) Stamp administrative regulations tendered for filing with the time and date of

- 1 receipt;
- 2 (3) Provide administrative and support services to the subcommittee;
- 3 (4) Maintain a file of administrative regulations and other documents required to be  
4 filed by this chapter, for public inspection, with suitable indexes;
- 5 (5) Maintain a file of ineffective administrative regulations;
- 6 (6) Maintain a file of material incorporated by reference, including superseded or  
7 ineffective material incorporated by reference;
- 8 (7) Prepare the Kentucky Administrative Regulations Service;
- 9 (8) Upon request, certify copies of administrative regulations and other documents that  
10 have been filed with the regulations compiler;
- 11 (9) Correct errors that do not change the substance of an administrative regulation,  
12 including, but not limited to, typographical errors, errors in format, and grammatical  
13 errors;
- 14 (10) Change items in an administrative regulation in response to a specific written  
15 request submitted by the administrative body if the regulations compiler determines  
16 that the requested changes do not affect the substance of the administrative  
17 regulation. The changes may include the address of the administrative body,  
18 citations to statutes or other administrative regulations if a format change within  
19 that statute or administrative regulation has changed the numbering or lettering of  
20 parts, or other changes in accordance with KRS 13A.312;
- 21 (11) Refuse to accept for filing administrative regulations, and other documents required  
22 to be filed by this chapter, that do not conform to the drafting, format, or filing  
23 requirements established by the provisions of Sections 4 and 8 of this Act and  
24 subsections (1), (2), and (3) of Section 5 of this Act[KRS Chapter 13A], and notify  
25 the administrative body in writing of the reasons for refusing to accept an  
26 administrative regulation for filing; and
- 27 (12) Perform other duties required by the Commission or by a subcommittee.

➔Section 3. KRS 13A.050 is amended to read as follows:

(1) The Legislative Research Commission shall compile, publish, and distribute the administrative regulations filed by administrative bodies. This compilation shall be known as the Kentucky Administrative Regulations Service. *The Legislative Research Commission shall maintain the official version of the administrative regulations in an electronic database that shall be made available to the public as provided by KRS 7.500* ~~and shall constitute the official state publication of administrative regulations~~.

(2) (a) There is hereby created a publication known as "The Administrative Register" to be ~~printed and~~ published on a monthly basis by the Legislative Research Commission for the purpose of giving notice of administrative regulations filed in accordance with this chapter.

(b) Every administrative regulation forwarded to the Legislative Research Commission shall have its complete text *published*~~printed~~ in the Administrative Register along with the accompanying statements required by KRS 13A.190, 13A.210, 13A.2251(1), 13A.240, 13A.245, 13A.250, and 13A.270.

(c) Within five (5) workdays of the publication of an administrative regulation in the Administrative Register, an administrative body shall:

1. Review the text and accompanying statements of the administrative regulation; and
2. Notify the regulations compiler in writing or by e-mail of errors.

(3) The Administrative Register shall be published the first day of each month and shall include all administrative regulations received by the Legislative Research Commission by 12 noon, eastern time, on the fifteenth day of the preceding month. When the fifteenth day falls on a Saturday, Sunday, or holiday the deadline is the workday which immediately precedes the Saturday, Sunday, or holiday.

1 (4) The compiler shall cause to be prepared a certificate to the effect that the text of the  
 2 administrative regulations as published~~[printed]~~ in this service is correct. One (1)  
 3 copy of the Kentucky Administrative Regulations Service with the original  
 4 certificate therein shall be provided to~~[maintained in]~~ the Office of the Secretary of  
 5 State.~~[All other copies shall contain a printed copy of the certificate and shall~~  
 6 ~~constitute prima facie evidence of the law in all courts and proceedings.]~~

7 (5) The Commission shall prescribe reasonable fees for subscription to the Kentucky  
 8 Administrative Regulations Service and the Administrative Register. All fees paid  
 9 to the Commission for these publications shall be placed in the State Treasury to the  
 10 credit of a revolving trust or agency fund account, for use by the Legislative  
 11 Research Commission in carrying out the provisions of this section.

12 (6) Copies of administrative regulations or other items required to be filed by this  
 13 chapter~~[regulatory impact analysis]~~ shall be made available to any interested party  
 14 upon request to the Legislative Research Commission. The Commission may  
 15 prescribe reasonable fees for duplication services and all fees paid to the  
 16 Commission for duplication services shall be placed in the State Treasury to the  
 17 credit of a revolving trust or agency fund account, for use by the Legislative  
 18 Research Commission in carrying out the provisions of this subsection.

19 ➔Section 4. KRS 13A.220 is amended to read as follows:

20 All administrative regulations shall comply with the provisions of KRS 13A.222 and  
 21 13A.224.

22 (1) (a) An administrative body shall file with the regulations compiler:

23 1.[(a)] The original and five (5) copies of an administrative regulation;  
 24 and

25 2.[(b)] At the same time the original and five (5) copies are filed, an  
 26 electronic version~~[if available,]~~ of the administrative regulation and  
 27 required attachments on a diskette or by e-mail in an electronic format

1 approved by the regulations compiler.

2 (b) If there are differences between the paper copy and the electronic version of  
3 an administrative regulation filed with the regulations compiler, the  
4 electronic version shall be the controlling version.

5 (2) The original and four (4) copies[each copy] of each administrative regulation shall  
6 be stapled in the top left corner. The fifth copy of each administrative regulation  
7 shall not be stapled. The original and the five (5) copies of each administrative  
8 regulation shall be grouped together.

9 (3) An amendment to an administrative regulation shall not be made on a copy of the  
10 administrative regulation reproduced from the Kentucky Administrative  
11 Regulations Service or the Administrative Register. It shall be a typed original in  
12 the format specified in subsection (4) of this section.

13 (4) The format of an administrative regulation shall be as follows:

14 (a) An administrative regulation shall be typewritten on white paper, size eight  
15 and one-half (8-1/2) by eleven (11) inches and shall be double-spaced through  
16 the last line of the body of the administrative regulation. The first page shall  
17 have a two (2) inch top margin. The administrative regulation shall be typed in  
18 a twelve (12) point font approved by the regulations compiler. The lines on  
19 each page shall be numbered, with each page starting with line number one  
20 (1). Pages of an administrative regulation and documents attached to the  
21 administrative regulation shall be numbered sequentially. Page numbers shall  
22 be centered in the bottom margin of each page. Copies of the administrative  
23 regulation may be mechanically reproduced;

24 (b) The regulations compiler shall place a stamp indicating the date and time of  
25 receipt of the administrative regulation in the two (2) inch margin on the first  
26 page;

27 (c) The cabinet, department, and division of the administrative body shall be



1 listed on separate double-spaced lines two (2) inches from the top in the upper  
2 left hand corner of the first page. This shall be followed on the next double-  
3 spaced line by "(New Administrative Regulation)," "(Amendment)," "  
4 "(Amended After Comments)," "(Repealer)," "(New Emergency  
5 Administrative Regulation)," "(Emergency Amendment)," or "(Emergency  
6 Repealer)," whichever is applicable;

7 (d) The notation shall be followed by the number and title of the administrative  
8 regulation on the next double-spaced line. The promulgating administrative  
9 body shall contact the regulations compiler prior to filing to obtain an  
10 administrative regulation number for a new administrative regulation;

11 (e) On the next double-spaced line following the number and title of an  
12 administrative regulation, after the words "RELATES TO:," the  
13 administrative body shall list all statutes and other enactments, including any  
14 branch budget bills or executive orders, to which the administrative regulation  
15 relates or which shall be affected by the administrative regulation. After the  
16 words "STATUTORY AUTHORITY:" the administrative body shall list the  
17 specific statutes and other enactments, where applicable, authorizing the  
18 promulgation of the administrative regulation. Federal statutes and regulations  
19 shall be cited in the "RELATES TO:" and "STATUTORY AUTHORITY:"  
20 sections as provided by KRS 13A.2261; and

21 (f) Following the citations provided for in paragraph (e) of this subsection, and  
22 following the words "NECESSITY, FUNCTION, AND CONFORMITY:" the  
23 administrative body shall include a brief statement setting forth the necessity  
24 for promulgating the administrative regulation, a summary of the functions  
25 intended to be implemented by the administrative regulation, and, if  
26 applicable, the statement required by KRS 13A.245(2)(b).

27 (5) The numbering within the body of an administrative regulation shall be the

responsibility of the promulgating body, subject to the authority of the regulations compiler to divide or renumber an administrative regulation. The following format shall be used by the administrative body in the numbering of each administrative regulation. Each section shall begin with the word "Section" followed by an Arabic number, and titles of sections shall be initially capitalized. Subsections shall be designated by an Arabic number in parentheses. Paragraphs shall be designated by lower case letters of the alphabet in parentheses (e.g., (a), (b), (c), etc.). Subparagraphs shall be designated by an Arabic number followed by a period (e.g., 1., 2., etc.). Clauses shall be designated by lower case letters of the alphabet followed by a period (e.g., a., b., c., etc.). Subclauses shall be designated by lower case Roman numerals in parentheses (e.g., (i), (ii), (iii), etc.).

(6) After the complete text of an administrative regulation, on the following page, the administrative body shall include the following information:

- (a) If the provisions of KRS 13A.120(3) are applicable, a statement that the official or the head of the administrative body has reviewed or approved the administrative regulation; the signature of such official or head; and the date on which such review or approval occurred;
- (b) The authorizing signature of the administrative body promulgating the administrative regulation, and the date on which the administrative body approved the promulgation;
- (c) Information relating to public hearings~~[as required by KRS 13A.160 and 13A.270]~~ and the public comment period required by KRS 13A.270; and
- (d) The name, position, address, telephone number, and facsimile number of the contact person of the administrative body. The contact person shall be the person authorized by the head of an administrative body to:
  - 1. Receive information relating to issues raised by the public or by a subcommittee prior to a public meeting of the subcommittee;

1           2.   Negotiate changes in language with a subcommittee in order to resolve  
2           such issues; and

3           3.   Answer questions relating to the administrative regulation.

4   (7)   The format for signatures required by paragraphs (a) and (b) of subsection (6) of  
5   this section shall be as follows:

6           (a)   The signature shall be placed on a signature line; and

7           (b)   The name and title of the person signing shall be typed immediately beneath  
8           the signature line.

9           ➔Section 5.   KRS 13A.222 is amended to read as follows:

10   (1)   In a new administrative regulation, there shall be no underlining or bracketing.

11   (2)   In an amendment to an administrative regulation, the new words shall precede the  
12   deleted words.~~[ Exceptions may be permitted by the regulations compiler.]~~ The  
13   administrative body shall:

14           (a)   Underline all new words; and

15           (b)   Place the deleted words in brackets and strike through these words.

16   (3)   (a)   An administrative regulation shall not be amended by reference to a section  
17           only. An amendment shall contain the full text of the existing administrative  
18           regulation being amended.

19           (b)   A section of an administrative regulation shall not be reserved for future use.

20   (4)   In drafting administrative regulations, the administrative body shall comply with the  
21   requirements established in this subsection.~~[following:]~~

22           (a)   The administrative body shall use plain and unambiguous words that are  
23           easily understood by laymen. The administrative body shall avoid ambiguous,  
24           indefinite, or superfluous words and phrases.~~[:]~~

25           (b)   A duty, obligation, or prohibition shall be expressed by "shall" or "shall not."  
26           "Should," "could," or "must" shall not be used. The future tense shall not be  
27           expressed by the word "shall." A discretionary power shall be expressed by

1 "may.[-]"

2 (c) The words "said," "aforesaid," "hereinabove," "hereinafter,"  
3 "beforementioned," "whatsoever," or similar words of reference or emphasis  
4 shall not be used. Where an article may be used, the administrative body shall  
5 not use the word "such." It shall not use the expression "and/or" and shall not  
6 separate alternatives with a slash. It shall not use contractions. When a number  
7 of items are all mandatory, the word "and" shall be used. When all of a  
8 number of items are not mandatory, the word "or" shall be used.[-]"

9 (d) Certain words are defined in the Kentucky Revised Statutes. Where  
10 applicable, these definitions shall be used. Definitions appearing in the  
11 Kentucky Revised Statutes shall not be duplicated in a proposed  
12 administrative regulation. A reference shall be made to the chapters and  
13 sections of the Kentucky Revised Statutes in which the definitions appear.[-]"

14 (e) If definitions are used, they shall be placed in alphabetical order in the first  
15 section of an administrative regulation or in a separate administrative  
16 regulation. The section or administrative regulation shall be titled  
17 "Definitions." If definitions are placed in the first section of an administrative  
18 regulation, the definitions shall govern only the terms in that administrative  
19 regulation. If definitions are placed in a separate administrative regulation,  
20 that administrative regulation shall be the first administrative regulation of the  
21 specific chapter of the Kentucky Administrative Regulations Service to which  
22 the definitions apply. The title of the administrative regulation shall also  
23 contain the number of the chapter of the Kentucky Administrative Regulations  
24 Service to which the definitions apply. In the text of an administrative  
25 regulation, the word defined in the definitions section, rather than the  
26 definition, shall be used. Definitions shall be used only:

27 1. When a word is used in a sense other than its dictionary meaning, or is

- 1                   used in the sense of one of several dictionary meanings;
- 2           2.    To avoid repetition of a phrase; or
- 3           3.    To limit or extend the provisions of an administrative regulation.<sup>[;]</sup>
- 4   (f)   If a word has the same meaning as a phrase, the word shall be used.<sup>[;]</sup>
- 5   (g)   The present tense and the indicative mood shall be used. Conditions precedent
- 6           shall be stated in the perfect tense if their happening is required to be
- 7           completed.<sup>[;]</sup>
- 8   (h)   The same arrangement and form of expression shall be used throughout an
- 9           administrative regulation, unless the meaning requires variations.<sup>[;]</sup>
- 10   (i)   "If" or "except" shall be used rather than "provided that" or "provided,
- 11           however." "If" shall be used to express conditions, rather than the words
- 12           "when" or "where."<sup>[;]</sup>
- 13   (j)   A word importing the masculine gender may extend to females. A word
- 14           importing the singular number may extend to several persons or things.<sup>[;]</sup>
- 15   (k)   Any reference in an administrative regulation to "medical doctor," "M.D.," or
- 16           "physician" shall be deemed to include a doctor of osteopathy or D.O., unless
- 17           either of those terms is specifically excluded.
- 18   (l)   An administrative body shall use the phrases specified in this subsection:
- |  |                         |
|--|-------------------------|
| 19                   Do Not Use:                   | Use:                    |
| 20                   And/or                        | "and" for a conjunctive |
| 21   | "or" for a disjunctive  |
| 22                   Any and all                   | either word             |
| 23                   As provided in this           |                         |
| 24                   administrative regulation     | ----                    |
| 25                   At the time                   | when                    |
| 26                   And the same hereby is        | is                      |
| 27                   Either directly or indirectly | ----                    |

1	Except where otherwise	State specific
2	provided	exemption.
3	Final and conclusive	final
4	Full force and effect	force or effect
5	In the event that; In case	if
6	<b><u>Including but not</u></b>	<b><u>State the specific items</u></b>
7	<b><u>limited to</u></b>	<b><u>to be included.</u></b>
8	Is authorized; Is empowered	may
9	Is defined and shall be	
10	construed to mean	means
11	Is hereby required to	shall
12	It shall be lawful	may
13	Latin words	Do not use unless medical or
14		scientific terminology.
15	Null and void and of no effect	void
16	Order and direct	either word
17	Provision of law	law
18	Until such time as	until
19	Whenever	if

(m) 1. Unless the authority for an administrative regulation is an appropriation provision that is not codified in the Kentucky Revised Statutes, the specific chapter and section number of the Kentucky Revised Statutes authorizing the promulgation of an administrative regulation shall be cited.

2. a. If an act has not been codified in the Kentucky Revised Statutes at the time an administrative regulation is promulgated, or if the authority is any branch budget bill, the citation shall be as follows:

1                   "(year) Ky. Acts ch. (chapter number), sec. (section number)."

2                   When an act has been codified, the administrative body shall notify  
3                   the regulations compiler of the proper citation in writing. Upon  
4                   receipt of the written notice, the regulations compiler shall correct  
5                   the citation.

6                   b. For acts of extraordinary sessions, the citation shall be as follows:

7                   "(year) (Extra. Sess.) Ky. Acts ch. (chapter number), sec. (section  
8                   number)." If there is more than one (1) extraordinary session of the  
9                   General Assembly in the year, the citation shall specify the specific  
10                  extraordinary session, as follows: "(year) (2d Extra. Sess.) Ky.  
11                  Acts ch. (chapter number), sec. (section number)."

12                 3. When an act has been codified, the administrative body shall notify the  
13                 regulations compiler of the proper citation of the Kentucky Revised  
14                 Statutes in writing. Upon receipt of the written notice, the regulations  
15                 compiler shall correct the citation.

16                 4. If the statutory authority is an appropriation act, the citation shall be as  
17                 follows: "(year) Ky. Acts ch. (chapter number), Part (part and subpart  
18                 numbers)."

19                 5. If the authority is an executive order, the citation shall be as follows:  
20                 "EO (year executive order issued)-(number of executive order)."

21                 (n) If the statutory authority is a federal statute~~[law]~~, the citation shall be the:

22                   1. United States Code (U.S.C.), if it has been codified; or  
23                   2. Public Law (Pub. L.) and official session laws, if it has not been  
24                   codified.

25                 (o) 1. If the statutory authority is a federal regulation codified in the Code of  
26                 Federal Regulations, the citation shall include the title, part, and section  
27                 number, as follows: "(title number) C.F.R. (part and section number)."

- 1           2.    a.    If the statutory authority is a federal regulation that has not been
- 2                               codified in the Code of Federal Regulations, the citation shall be to
- 3                               the Federal Register, as follows: "(volume number) Fed. Reg.
- 4                               (page number) (effective date of the federal regulation) (section of
- 5                               Code of Federal Regulations in which it will be codified)."
- 6               b.    When the federal regulation is codified, the citation shall be
- 7                               amended to read as provided by subparagraph 1. of this paragraph.
- 8           3.    a.    If the statutory authority is a federal regulation that has been
- 9                               amended, and the amendment is not reflected in the current issue
- 10                              date of the volume of the Code of Federal Regulations in which
- 11                              the federal regulation is codified, the citation shall be to the
- 12                              Federal Register as follows: "(federal regulation that has been
- 13                              amended), (volume number) Fed. Reg. (page number) (effective
- 14                              date of the amendment)."
- 15               b.    When the amendment is codified in the appropriate volume of the
- 16                              Code of Federal Regulations, the citation shall be amended to read
- 17                              as provided by subparagraph 1. of this paragraph.
- 18    (p)   Citations of items in the "RELATES TO" paragraph of an administrative
- 19                              regulation shall comply with paragraphs (m), (n), and (o) of this subsection.
- 20    (q)   An administrative regulation may cite the popular name of a federal or state
- 21                              law if the popular name is accompanied by the citation required by this
- 22                              paragraph.
- 23    ➔Section 6. KRS 13A.2245 is amended to read as follows:
- 24    (1)   An administrative body may incorporate by reference a code or uniform standard if
- 25                              a federal or state statute:
- 26               (a)   Requires or authorizes an administrative body to implement, or a regulated
- 27                              entity to comply with, the provisions of that code or uniform standard; and



1 (b) Does not set forth the code or uniform standard, or a comprehensive scheme  
2 of regulation.

3 (2) If a code or uniform standard is changed by the administrative body, the  
4 administrative body shall:

5 (a) Clearly state the provisions in the body of the administrative regulation that  
6 are different than those included in the code or uniform standard; and

7 (b) File with the regulations compiler a:

8 1. Copy of the code or uniform standard;

9 2. Summary listing the pages upon which changes have been made; and

10 3. Detailed summary of the changes and their effect.

11 The summaries shall be attached to the back of the proposed administrative  
12 regulation.

13 (3) If a federal regulation requires an administrative body to adopt, develop, or  
14 implement material of a scientific or technical nature that does not lend itself to the  
15 format requirements of KRS Chapter 13A, the administrative body may incorporate  
16 the material by reference in an administrative regulation as provided by KRS  
17 13A.2251 and 13A.2255.

18 ➔Section 7. KRS 13A.2255 is amended to read as follows:

19 When an administrative regulation amends material that had been previously incorporated  
20 by reference, the amendment shall be accomplished by submission of:

21 (1) An entire new document in which the amendments have been made but are not  
22 reflected in the manner specified in KRS 13A.222(2);~~and~~

23 (2) A detailed summary of the changes and their effect. This summary shall be attached  
24 to the administrative regulation; and

25 (3) The page or pages of any document developed by the promulgating  
26 administrative body in which changes have been made, with the changes  
27 accomplished in the manner specified in subsection (2) of Section 5 of this Act.

Notwithstanding the provisions of subsection (6) of Section 2 of this Act, the regulations compiler shall not be required to keep these marked copies once the administrative regulation has been adopted or withdrawn.

➔Section 8. KRS 13A.230 is amended to read as follows:

- (1) The administrative body shall attach the following forms to the back of the original and each copy of an administrative regulation:
  - (a) Regulatory impact analysis as required by KRS 13A.240;
  - (b) Tiering statement as required by KRS 13A.210;
  - (c) Fiscal note as required by KRS 13A.250~~[, if the administrative regulation relates to any aspect of local government or any service provided thereby];~~
  - (d) Federal mandate comparison, if applicable, as required by KRS 13A.245; and
  - (e) The summaries provided for in KRS 13A.2245, 13A.2251, or Section 7 of this Act, if applicable.

- (2) The forms required by subsection (1) of this section shall be obtained from the regulations compiler.

➔Section 9. KRS 13A.250 is amended to read as follows:

- (1) Each administrative body that promulgates an administrative regulation~~[which relates to any aspect of state or local government or any service provided thereby]~~ shall consider the cost that the administrative regulation may cause~~[the]~~ state or local government to incur. The cost analysis shall include the projected cost or cost savings to the Commonwealth of Kentucky and each of its affected agencies, and the projected cost or cost savings to affected local governments, including cities, counties, fire departments, and school districts. Agencies affected by the administrative regulation may submit comments in accordance with KRS 13A.270(1) to the promulgating administrative body or to a subcommittee reviewing the administrative regulation.
- (2) Each administrative body that promulgates an administrative regulation~~[which~~

1 ~~relates to any aspect of state or local government or any service provided thereby]~~

2 shall prepare and submit with the administrative regulation a fiscal note.

3 The fiscal note shall state:

4 (a) The number of the administrative regulation;

5 (b) The name and telephone number of the contact person of the administrative  
6 body;

7 ~~(c)[ Whether the administrative regulation relates to any aspect of state or local  
8 government, including any service provided by that state or local government;~~

9 ~~(d)]~~ The unit, part, or division of state or local government the administrative  
10 regulation will affect;

11 ~~(d)](e)]~~ In detail, the aspect or service of state or local government to which the  
12 administrative regulation relates, including identification of the applicable  
13 state or federal statute or regulation that mandates the aspect or service or  
14 authorizes the action taken by the administrative regulation; and

15 ~~(e)](f)]~~ The estimated effect of the administrative regulation on the expenditures  
16 and revenues of a state or local government agency for the first full year the  
17 administrative regulation will be in effect. If specific dollar estimates cannot  
18 be determined, the administrative body shall provide a brief narrative to  
19 explain the fiscal impact of the administrative regulation.

20 (3) Any administrative body may request the advice and assistance of the Commission  
21 in the preparation of the fiscal note.

22 ➔Section 10. KRS 13A.255 is amended to read as follows:

23 (1) Within five (5) working days of the filing of an ordinary administrative regulation  
24 that proposes to establish or increase fees, except those fees exempted by KRS  
25 13A.100(3), an administrative body shall mail or e-mail a notice containing the  
26 information required by subsection (2) of this section, to each state association,  
27 organization, or other body representing a person or entity affected by the

1 administrative regulation.

2 (2) The notice shall include the following information:

3 (a) The name of the administrative body that filed the proposed administrative  
4 regulation;

5 (b) A statement that the administrative body has promulgated an administrative  
6 regulation that establishes or increases fees;

7 (c) A summary of the administrative regulation that includes:

8 1. The amount of each fee being established;

9 2. The amount of any increases to any fees previously established; and

10 3. The necessity for the establishment or increase in the fees;

11 (d) A statement that a person or entity may contact the administrative body for  
12 additional information;

13 (e) The time, date, and place of the scheduled public hearing;

14 (f) The deadline for submitting written comments as established in KRS  
15 13A.270(1)(c); and

16 (g) The name, address, and telephone number of the contact person for the  
17 administrative body.

18 ➔Section 11. KRS 13A.270 is amended to read as follows:

19 (1) (a) In addition to the public comment period required by paragraph (c) of this  
20 subsection, following publication in the Administrative Register of the text of  
21 an administrative regulation, the administrative body shall, unless authorized  
22 to cancel the hearing pursuant to subsection (7) of this section, hold a hearing,  
23 open to the public, on the administrative regulation.

24 (b) The public hearing shall not be held before the twenty-first day or later than  
25 the last workday of the month in which the administrative regulation is  
26 published in the Administrative Register.

27 (c) The administrative body shall accept written comments regarding the

1 administrative regulation during the comment period. The comment period  
 2 shall begin on the date the administrative regulation is filed with the  
 3 regulations compiler and shall run until the end of the calendar month in  
 4 which the administrative regulation was published in the Administrative  
 5 Register. If the last day of the calendar month falls on a Saturday, Sunday, or  
 6 holiday, the administrative body shall consider all written comments received  
 7 prior to the close of business of the first workday following the Saturday,  
 8 Sunday, or holiday.

9 (2) Each administrative regulation shall state:

- 10 (a) The place, time, and date of the scheduled public hearing;
- 11 (b) The manner in which interested persons shall submit their:
  - 12 1. Notification of attending the public hearing; and
  - 13 2. Written comments;
- 14 (c) That notification of attending the public hearing shall be transmitted to the  
 15 administrative body no later than five (5) workdays prior to the date of the  
 16 scheduled public hearing;
- 17 (d) The deadline for submitting written comments regarding the administrative  
 18 regulation in accordance with paragraph (c) of subsection (1) of this section;  
 19 and
- 20 (e) The name, position, address, and telephone and facsimile numbers of the  
 21 person to whom a notification and written comments shall be transmitted.

22 (3) (a) A person who wishes to be notified that an administrative body has filed an  
 23 administrative regulation shall:

- 24 1. Contact the administrative body by telephone or written letter to request  
 25 that the administrative body send the information required by paragraph  
 26 (c) or (d) of this subsection to the person; or
- 27 2. Complete an electronic registration form located on a centralized state

1 government Web site developed and maintained by the Commonwealth  
2 Office of Technology.

3 (b) A registration submitted pursuant to paragraph (a) of this subsection shall:

- 4 1. Indicate whether the person wishes to receive notification regarding:
  - 5 a. All administrative regulations promulgated by an administrative  
6 body; or
  - 7 b. Each administrative regulation that relates to a specified subject  
8 area. The subject areas shall be provided by the administrative  
9 bodies and shall be listed on the centralized state government Web  
10 site in alphabetical order;
- 11 2. Include a request for the person to provide an e-mail address in order to  
12 receive regulatory information electronically;
- 13 3. Be valid for a period of four (4) years from the date the registration is  
14 submitted, or until the person submits a written request to be removed  
15 from the notification list, whichever occurs first; and
- 16 4. Be transmitted to the promulgating administrative body, if the  
17 registration was made through the centralized state government Web  
18 site. The collected e-mail addresses shall be used solely for the purposes  
19 of this subsection and shall not be sold, transferred, or otherwise made  
20 available to third parties, other than the promulgating administrative  
21 body.

22 (c) A copy of the administrative regulation as filed, and all attachments required  
23 by KRS 13A.230(1), shall be e-mailed:

- 24 1. To every person who has:
  - 25 a. Registered pursuant to paragraph (a) of this subsection; and
  - 26 b. Provided an e-mail address as part of the registration request;
- 27 2. Within five (5) working days after the date the administrative regulation

1 is filed with the Commission; and

2 3. With a request from the administrative body that affected individuals,  
3 businesses, or other entities submit written comments that identify the  
4 anticipated effects of the proposed administrative regulation.

5 (d) Within five (5) working days after the date the administrative regulation is  
6 filed with the Commission, the administrative body shall mail the following  
7 information to every person who has registered pursuant to paragraph (a) of  
8 this subsection but did not provide an e-mail address:

9 1. A cover letter from the administrative body requesting that affected  
10 individuals, businesses, or other entities submit written comments that  
11 identify the anticipated effects of the proposed administrative regulation;

12 2. A copy of the regulatory impact analysis required by KRS 13A.240  
13 completed in detail sufficient to put the individual on notice as to the  
14 specific contents of the administrative regulation, including all proposed  
15 amendments to the administrative regulation; and

16 3. A statement that a copy of the administrative regulation may be obtained  
17 from the Commission's Web site, which can be accessed on-line through  
18 public libraries or any computer with Internet access. The Commission's  
19 Web site address shall be included in the statement.

20 (e) An administrative body shall not be required to send a copy of an  
21 administrative regulation that was amended after comments in accordance  
22 with Section 12 of this Act to persons who have registered pursuant to  
23 paragraph (a) of this subsection, unless the person requested a copy  
24 pursuant to subsection (7) of Section 12 of this Act.

25 (4) (a) If small business may be impacted by an administrative regulation, the  
26 administrative body shall e-mail a copy of the administrative regulation as  
27 filed, and all attachments required by KRS 13A.230(1), to the chief executive

1 officer of the Commission on Small Business Advocacy within one (1)  
2 working day after the date the administrative regulation is filed with the  
3 Commission.

- 4 (b) The e-mail shall include a request from the administrative body that the  
5 Commission on Small Business Advocacy review the administrative  
6 regulation in accordance with KRS 11.202(1)(e) and submit its report or  
7 comments in accordance with the deadline established in subsection (1)(c) of  
8 this section. A copy of the report shall be filed with the regulations compiler.

9 (c) An administrative body shall not be required to send a copy of an  
10 administrative regulation that was amended after comments in accordance  
11 with Section 12 of this Act to the Commission on Small Business Advocacy,  
12 unless its chief executive officer requested a copy pursuant to subsection (7)  
13 of Section 12 of this Act.

- 14 (5) (a) If a government may be impacted by an administrative regulation, the  
15 administrative body shall send, by e-mail if the government has an e-mail  
16 address, a copy of the administrative regulation as filed and all attachments  
17 required by KRS 13A.230(1) to each government in the state within one (1)  
18 working day after the date the administrative regulation is filed with the  
19 Commission. If the government does not have an e-mail address, the material  
20 shall not be sent.

- 21 (b) The e-mail shall include a request from the administrative body that the  
22 government review the administrative regulation in the same manner as would  
23 the Commission on Small Business Advocacy under KRS 11.202(1)(e), and  
24 submit its report or comments in accordance with the deadline established in  
25 subsection (1)(c) of this section. A copy of the report or comments shall be  
26 filed with the regulations compiler.

27 (c) An administrative body shall not be required to send a copy of an



administrative regulation that was amended after comments in accordance with Section 12 of this Act to a government, unless its contact person requested a copy pursuant to subsection (7) of Section 12 of this Act.

(6) Persons desiring to be heard at the hearing shall notify the administrative body in writing as to their desire to appear and testify at the hearing not less than five (5) workdays before the scheduled date of the hearing.

(7) The administrative body shall immediately notify the regulations compiler by telephone and by letter if:

(a) No written notice of intent to attend the public hearing is received by the administrative body at least five (5) workdays before the scheduled hearing, and it chooses to cancel the public hearing; and

(b) No written comments have been received by the close of the last day of the public comment period.

(8) (a) 1. Upon receipt from interested persons of their intent to attend a public hearing, the administrative body shall notify the regulations compiler by telephone and by letter that the public hearing shall be held.

2. If the public hearing is held but no comments are received during the hearing, the administrative body shall notify the regulations compiler by telephone and by letter that the public hearing was held and that no comments were received.

(b) Upon receipt of written comments, the administrative body shall notify the regulations compiler by telephone and by letter that written comments have been received.

(9) If the notifications required by subsections (7) and (8) of this section are not received by the regulations compiler by close of business on the second workday of the calendar month, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee.

1 (10) The notifications required by subsections (7) and (8) of this section shall be made  
2 by telephone and by letter. The letter may be sent by e-mail if the administrative  
3 body uses an electronic signature and letterhead for the e-mailed document.

4 (11) Every hearing shall be conducted in such a manner as to guarantee each person who  
5 wishes to offer comment a fair and reasonable opportunity to do so, whether or not  
6 such person has given the notice contemplated by subsection (6) of this section. No  
7 transcript need be taken of the hearing, unless a written request for a transcript is  
8 made, in which case the person requesting the transcript shall have the  
9 responsibility of paying for same. A recording may be made in lieu of a transcript  
10 under the same terms and conditions as a transcript. This section shall not preclude  
11 an administrative body from making a transcript or making a recording if it so  
12 desires.

13 (12) Nothing in this section shall be construed as requiring a separate hearing on each  
14 administrative regulation. Administrative regulations may be grouped at the  
15 convenience of the administrative body for purposes of hearings required by this  
16 section.

17 ➔Section 12. KRS 13A.280 is amended to read as follows:

18 (1) Following the last day of the comment period, the administrative body shall give  
19 consideration to all comments received at the public hearing and *all written*  
20 *comments received* during the comment period, including any report filed by the  
21 Commission on Small Business Advocacy in accordance with KRS 11.202(1)(e)  
22 and 13A.270(4), or by a government in accordance with KRS 11.202(1)(e) and  
23 13A.270(5).

24 (2) (a) Except as provided in paragraph (b) of this subsection, the administrative  
25 body shall file with the commission on or before 12 noon, eastern time, on the  
26 fifteenth day of the calendar month following the month of publication the  
27 statement of consideration relating to the administrative regulation.

1 (b) If the administrative body has received a significant number of public  
 2 comments, it may extend the time for filing the statement of consideration by  
 3 notifying the regulations compiler in writing on or before 12 noon, eastern  
 4 time, on the fifteenth day of the calendar month following the month of  
 5 publication. The administrative body shall file the statement of consideration  
 6 with the Commission on or before 12 noon, eastern time, no later than the  
 7 fifteenth day of the second calendar month following the month of  
 8 publication.

9 (3) (a) If the administrative regulation is amended as a result of the hearing or  
 10 written~~[or oral]~~ comments received, the administrative body shall forward the  
 11 items specified in paragraph (b) of this subsection to the regulations compiler  
 12 by 12 noon, eastern time, on the applicable deadline specified in subsection  
 13 (2) of this section.

14 (b) 1. The original and five (5) copies of the administrative regulation  
 15 indicating any amendments in the original wording resulting from  
 16 comments received at the public hearing and during the comment  
 17 period;

18 2. The original and five (5) copies of the statement of consideration as  
 19 required by subsection (2) of this section, attached to the back of the  
 20 original and each copy of the administrative regulation; and

21 3. The regulatory impact analysis, tiering statement, federal mandate  
 22 comparison, or fiscal note on local government. These documents shall  
 23 reflect changes resulting from amendments made after the public  
 24 hearing.

25 (4) (a) If the administrative regulation is not amended as a result of the public  
 26 hearing, or written~~[or oral]~~ comments received, the administrative body shall  
 27 file the original and five (5) copies of the statement of consideration with the

1 regulations compiler by 12 noon, eastern time, on the deadline established in  
2 subsection (2) of this section.

3 (b) If comments are received either at the public hearing or during the public  
4 comment period, the administrative regulation shall be deferred to the next  
5 regularly scheduled meeting of the subcommittee following the month in  
6 which the statement of consideration is due.

7 (5) The format for the statement of consideration shall be as follows:

8 (a) The statement shall be typewritten on white paper, size eight and one-half (8-  
9 1/2) by eleven (11) inches. Copies of the statement may be mechanically  
10 reproduced;

11 (b) The first page of the statement of consideration shall have a two (2) inch top  
12 margin;

13 (c) The heading of the statement shall consist of the words "STATEMENT OF  
14 CONSIDERATION RELATING TO" followed by the number of the  
15 administrative regulation that was the subject of the public hearing and  
16 comment period and the name of the promulgating administrative body. The  
17 heading shall be centered. This shall be followed by the words "Not Amended  
18 After Comments" or "Amended After Comments," whichever is applicable;

19 (d) If a hearing has been held or written comments received, the heading is to be  
20 followed by:

21 1. A statement setting out the date, time and place of the hearing, if the  
22 hearing was held;

23 2. A list of those persons who attended the hearing or who submitted  
24 comments and the organization, agency, or other entity represented, if  
25 applicable; and

26 3. The name and title of the representative of the promulgating  
27 administrative body;

- 1 (e) Following the general information, the promulgating administrative body shall  
 2 summarize the comments received at the public hearing and during the  
 3 comment period and the response of the promulgating administrative body.  
 4 Each subject commented upon shall be summarized in a separate numbered  
 5 paragraph. Each numbered paragraph shall contain two (2) subsections:
- 6 1. Subsection (a) shall be labeled "Comment," shall identify the name of  
 7 the person, and the organization represented if applicable, who made the  
 8 comment, and shall contain a summary of the comment; and
  - 9 2. Subsection (b) shall be labeled "Response" and shall contain the  
 10 response to the comment by the promulgating administrative body;
- 11 (f) Following the summary and comments, the promulgating administrative body  
 12 shall:
- 13 1. Summarize the statement and the action taken by the administrative  
 14 body as a result of comments received at the public hearing and during  
 15 the comment period; and
  - 16 2. If amended after the comment period, list the changes made to the  
 17 administrative regulation in the format prescribed by KRS  
 18 13A.320(2)(c) and (d); and
- 19 (g) If administrative regulations were considered as a group at a public hearing,  
 20 one (1) statement of consideration may include the group of administrative  
 21 regulations. If a comment relates to one (1) or more of the administrative  
 22 regulations in the group, the summary of the comment and response shall  
 23 specify each administrative regulation to which it applies.
- 24 (6) If the administrative regulation is amended pursuant to subsection (3) of this  
 25 section, the full text of the administrative regulation shall be published in the  
 26 Administrative Register. **The changes made to the administrative regulation shall**  
 27 **be typed in bold and made in the format prescribed by subsection (2) of Section 5**

1 of this Act. The administrative regulation shall be reviewed by the Administrative  
2 Regulation Review Subcommittee after such publication.

- 3 (7) If requested, copies of the statement of consideration and, if applicable, the  
4 amended-after-comments version of the administrative regulation shall be made  
5 available by the promulgating administrative body to persons attending the hearing  
6 or submitting comments or who specifically request a copy from the  
7 administrative body.

8 ➔Section 13. KRS 13A.300 is amended to read as follows:

- 9 (1) The administrative body which has promulgated an administrative regulation may  
10 request that consideration of the administrative regulation be deferred by the  
11 subcommittee.

12 (a) A request for deferral shall be automatically granted if:

- 13 1. The administrative body submits a written letter to the regulations  
14 compiler; and  
15 2. The letter is received prior to the subcommittee meeting.

16 (b) A request for deferral may be granted at the discretion of the subcommittee if  
17 the request is made by the administrative body orally at a meeting of the  
18 subcommittee.

- 19 (2) A subcommittee may request that consideration of an administrative regulation be  
20 deferred by the promulgating administrative body. Upon receipt of the request, the  
21 promulgating administrative body may agree to defer consideration of the  
22 administrative regulation.

- 23 (3) Except as provided in subsection (4) of this section, an administrative regulation  
24 that has been deferred shall be placed on the agenda of the next scheduled meeting  
25 of the subcommittee that is reviewing the administrative regulation. The  
26 subcommittee shall consider the administrative regulation as if it had met all other  
27 requirements of filing. Repromulgation shall not be required in those cases.

1 (4) An administrative regulation shall not be deferred under this section more than  
 2 twelve (12) consecutive months~~[that has not gone into effect within one (1) year of~~  
 3 ~~the date of publication shall expire as provided in KRS 13A.315].~~

4 ➔Section 14. KRS 13A.315 is amended to read as follows:

5 (1) An administrative regulation shall expire and shall not be reviewed by a legislative  
 6 subcommittee if:

7 (a) It has not been reviewed or approved by the official or administrative body  
 8 with authority to review or approve;

9 (b) An item is not filed on or before a deadline specified by this chapter;

10 (c) The administrative body has failed to comply with the provisions of this  
 11 chapter governing the filing of administrative regulations, the public hearing  
 12 and public comment period, or the statement of consideration; or

13 (d) The administrative regulation is deferred pursuant to Section 13 of this Act  
 14 more than twelve (12) consecutive~~[twelve (12)]~~ months.

15 ~~(2)[An administrative regulation which has not complied with all the provisions of this~~  
 16 ~~chapter and any administrative regulations promulgated under this chapter~~  
 17 ~~shall be considered procedurally defective and void.~~

18 ~~(3)]~~ (a) An administrative regulation that has been found deficient by a subcommittee  
 19 shall be withdrawn immediately if, pursuant to KRS 13A.330 or 13A.331, the  
 20 Governor has determined that it shall be withdrawn.

21 (b) The Governor shall notify the regulations compiler in writing and by  
 22 telephone that he or she has determined that the administrative regulation  
 23 found deficient shall be withdrawn.

24 (c) The written withdrawal of an administrative regulation governed by the  
 25 provisions of this subsection shall be made in a letter to the regulations  
 26 compiler in the following format: "Pursuant to KRS 13A.330(2)(b) or  
 27 13A.331(2)(b), I have determined that (administrative regulation number and

1 title) shall be (withdrawn, or withdrawn and amended to conform to the  
 2 finding of deficiency, as applicable). The administrative regulation,  
 3 (administrative regulation number and title), is hereby withdrawn."

4 (d) An administrative regulation governed by the provisions of this subsection  
 5 shall be considered withdrawn upon receipt by the regulations compiler of the  
 6 written withdrawal.

7 ➔Section 15. KRS 13A.320 is amended to read as follows:

8 (1) (a) An administrative body may amend an administrative regulation at a  
 9 subcommittee meeting with the consent of the subcommittee. A subcommittee  
 10 may amend an administrative regulation at a subcommittee meeting with the  
 11 consent of the administrative body.

12 (b) An administrative regulation shall not be amended at a public meeting of a  
 13 subcommittee unless the amendment concerns an issue that was related to the  
 14 administrative regulation filed with the Legislative Research Commission and  
 15 was:

- 16 1. Considered at the public hearing;~~{or}~~
- 17 2. Raised pursuant to a comment received by the administrative body at the  
 18 public hearing or during the public comment period pursuant to KRS  
 19 13A.280(1); or
- 20 3. Raised during~~{by}~~ the subcommittee meeting.

21 (c) Nothing in this chapter shall be construed to require its resubmission or  
 22 refiling or other action. The administrative regulation may be adopted as  
 23 amended.

24 (d) Subsequent to its adoption, the administrative regulation shall be published in  
 25 the Administrative Register, unless all amendments to the administrative  
 26 regulation that were made at a meeting of a subcommittee:

- 27 1. Relate only to the format and drafting requirements of KRS 13A.220(5)



1 and 13A.222(4)(b), (c), (i), (j), and (l); and

2 2. Do not alter the intent, meaning, conditions, standards, or other  
3 requirements of the administrative regulation.

4 (e) If the amendments to an administrative regulation made at a meeting of a  
5 subcommittee meet the requirements of paragraph (d) of this subsection, the  
6 regulations compiler shall publish a notice in the Administrative Register that  
7 the administrative regulation was amended at a subcommittee meeting only to  
8 comply with the format and drafting requirements of this chapter.

9 (2) When an administrative body intends to amend an administrative regulation at a  
10 meeting of the subcommittee, the following requirements shall be met:

11 (a) Amendments offered by the administrative body prior to a subcommittee  
12 meeting shall be approved by the head of the administrative body.

13 (b) Amendments shall be contained in a letter to the subcommittee. The letter  
14 shall:

- 15 1. Identify the administrative body;
- 16 2. State the number and title of the administrative regulation;
- 17 3. Be dated;
- 18 4. Be filed with the regulations compiler at least three (3)~~{five (5)}~~  
19 workdays prior to the meeting of the subcommittee if the amendments  
20 are initiated by the administrative body; and
- 21 5. Comply with the format requirements in paragraphs (c) and (d) of this  
22 subsection if the amendments are initiated by the administrative body.

23 (c) On separate lines, the amendment shall be identified by the number of the:

- 24 1. Page;
- 25 2. Section, subsection, paragraph, subparagraph, clause, or subclause, as  
26 appropriate; and
- 27 3. Line.

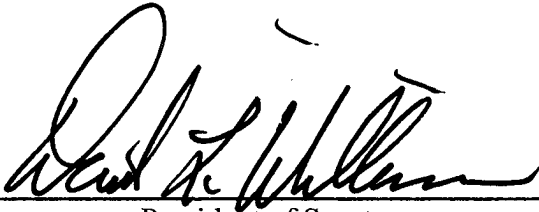
- 1 (d) 1. If a word or phrase, whether or not underlined, is to be deleted, the  
 2 amendment shall identify the word or phrase to be deleted and state that  
 3 it is to be deleted. If a word or phrase is to be replaced by another word  
 4 or phrase, the amendment shall specify the word or phrase that is to be  
 5 deleted and shall specify the word or phrase that is to be inserted in lieu  
 6 thereof.
- 7 2. If new language is to be inserted, the amendment shall state that it is to  
 8 be inserted, and the new language shall be underlined.
- 9 3. If the amendment consists of no more than four (4) words, the words  
 10 shall be placed between quotation marks. If the amendment consists of  
 11 more than four (4) words, the amendment shall be indented and not  
 12 placed between quotation marks.
- 13 4. If a section, subsection, paragraph, subparagraph, clause, or subclause is  
 14 to be deleted in its entirety, the amendment shall identify it and state that  
 15 it is deleted in its entirety, whether or not it contains underlined or  
 16 bracketed language.
- 17 (3) *If an amendment is drafted by subcommittee staff on behalf of a subcommittee,*  
 18 *the amendment shall be made:*
- 19 *(a) In the format required by paragraphs (c) and (d) of subsection (2) of this*  
 20 *section; or*
- 21 *(b) By substituting the complete text of the administrative regulation, with the*  
 22 *proposed changes made to the administrative regulation typed in bold,*  
 23 *italicized, and in the format prescribed by subsection (2) of Section 5 of this*  
 24 *Act.*
- 25 (4) *An amendment to an administrative regulation may be made orally at a*  
 26 *subcommittee meeting if the requirements of subsection (1)(a) of this section are*  
 27 *met.*


1 (5) An administrative body shall submit twenty (20) copies of an amendment to an  
2 administrative regulation to the regulations compiler prior to the Administrative  
3 Regulation Review Subcommittee meeting at which the amendment will be  
4 considered.

5 ➔Section 16. The following KRS sections are repealed:

6 13A.080 Inclusion in Administrative Register of notice of review process and  
7 procedures for public comment.

8 13A.160 Notice of hearing to compiler when hearing is required before filing of  
9 administrative regulations -- Publication.

  
\_\_\_\_\_  
President of Senate

  
\_\_\_\_\_  
Speaker-House of Representatives

Attest:   
\_\_\_\_\_  
Chief Clerk of Senate

Approved   
\_\_\_\_\_  
Governor

Date 4-11-12